

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1483

Implementing 2002 legislation
affecting court rules as follows:

Adding notes to Civil Rules 4 and 24 to
implement Chapter 61 SLA 02 (HB
52);

Adding notes to Civil Rule 45, Criminal
Rules 17 and 37, and Bar Rule 24 to
implement Chapter 75 SLA 02 (HB
106);

Adding notes to the following rules to
implement 77 SLA 02 (HB 157): Civil
Rules 6 and 12; Criminal Rule 40; and
Appellate Rules 204, 403, 502, 602,
611;

Adding a note to Civil Rule 3 to
implement 79 SLA 02 (HB 182);

Adding a note to Civil Rule 42(a) to
implement 80 SLA 02 (HB 196); and

Adding notes to Civil Rule 4 and Civil
Rule 73 to implement 128 SLA 02 (HB
393).

IT IS ORDERED:

- I. The following note is added at the end of Civil Rule 4:

NOTE: Ch. 61 SLA 2002 (HB 52), Section 2, repeals and reenacts AS 33.36.110 to authorize the governor to execute the Interstate Compact for Adult Offender Supervision. According to Section 6 of the Act, Article VIII(a)(2) of the Compact, contained in the new AS

33.36.110, would have the effect of amending Civil Rule 4 by entitling the Interstate Commission for Adult Offender Supervision to receive service of process of a judicial proceeding in this state that pertains to the Interstate Compact for Adult Offender Supervision and that may affect the powers, responsibilities or actions of that commission.

II. The following note is added to the end of Civil Rule 24:

NOTE: Ch. 61 SLA 2002 (HB 52), Section 2, repeals and reenacts AS 33.36.110 to authorize the governor to execute the Interstate Compact for Adult Offender Supervision. According to Section 7 of the Act, Article VIII(a)(2) of the Compact, contained in the new AS 33.36.110, would have the effect of amending Civil Rule 24 by entitling the Interstate Commission for Adult Offender Supervision to have standing to intervene in a judicial proceeding in this state that pertains to the Interstate Compact for Adult Offender Supervision and that may affect the powers, responsibilities, or actions of that commission.

III. The following note is added at the end of Civil Rule 45, Criminal Rule 17, Criminal Rule 37, and Alaska Bar Rule 24:

NOTE: Ch. 75 SLA 2002 (HB 106), Section 4, adds a new section to AS 06.01 relating to the confidentiality of depositor and customer records at banking and other financial institutions. According to Section 56 of the Act

AS 06.01.028(b) has the effect of changing Civil Rule 45, Criminal Rules 17 and 37, and Alaska Bar Rule 24 by requiring certain court orders compelling disclosure of records to provide for reimbursement of a financial institution's reasonable costs of complying with the order.

IV. The following note is added at the end of Civil Rule 6:

NOTE: Ch. 77 SLA 2002 (HB 157), Section 2, adds new Chapter 26 to Title 6 of the Alaska Statutes, concerning providers of fiduciary services. According to Section 9 of the Act, AS 06.26.760(b)(2) has the effect of amending Civil Rule 6 by postponing the deadlines for the filing of pleadings and other documents by a trust company in a civil action when the Department of Community and Economic Development has taken possession of the trust company.

V. The following note is added to the end of Criminal Rule 12:

NOTE: Ch. 77 SLA 2002 (HB 157), Section 2, adds new Chapter 26 to Title 6 of the Alaska Statutes, concerning providers of fiduciary services. According to Section 9 of the Act, AS 06.26.760(b)(2) has the effect of amending Civil Rule 12 by postponing the deadlines for serving an answer to a complaint, a third-party answer, a reply to a counterclaim, a cross-claim, and an answer to a cross-claim by a trust company in a civil action when the Department of Community and Economic Development has taken possession of the trust company.

VI. The following note is added to the end of Criminal Rule 40:

NOTE: Ch. 77 SLA 2002 (HB 157), Section 2, adds new Chapter 26 to Title 6 of the Alaska Statutes, concerning providers of fiduciary services. According to Section 9 of the Act, AS 06.26.760(b)(2) has the effect of amending Criminal Rule 40 by postponing the deadlines set in the Alaska Rules of Criminal Procedure for the filing of documents by a trust company in a criminal action when the Department of Community and Economic Development has taken possession of the trust company.

VII. The following note is added to the end of Appellate Rule 204:

NOTE: Ch. 77 SLA 2002 (HB 157), Section 2, adds new Chapter 26 to Title 6 of the Alaska Statutes, concerning providers of fiduciary services. According to Section 9 of the Act, AS 06.26.760(b)(2) has the effect of amending Appellate Rule 204 by postponing the deadlines for the filing of appeals to the supreme court and the court of appeals by a trust company when the Department of Community and Economic Development has taken possession of a trust company.

VIII. The following note is added to the end of Appellate Rule 403:

NOTE: Ch. 77 SLA 2002 (HB 157), Section 2, adds new Chapter 26 to Title 6 of the Alaska Statutes, concerning providers of fiduciary services. According to Section 9 of the Act, AS 06.26.760(b)(2) has the effect of amending

Appellate Rule 403 by postponing the deadline for the filing of petitions for review or cross-petitions for review by a trust company when the Department of Community and Economic Development has taken possession of the trust company.

IX. The following note is added to the end of Appellate Rule 502:

NOTE: Ch. 77 SLA 2002 (HB 157), Section 2, adds new Chapter 26 to Title 6 of the Alaska Statutes, concerning providers of fiduciary services. According to Section 9 of the Act, AS 06.26.760(b)(2) has the effect of amending Appellate Rule 502 by postponing the deadlines set in the Alaska Rules of Appellate Procedure for the filing of documents by a trust company when the Department of Community and Economic Development has taken possession of the trust company.

X. The following note is added to the end of Appellate Rule 602:

NOTE: Ch. 77 SLA 2002 (HB 157), Section 2, adds new Chapter 26 to Title 6 of the Alaska Statutes, concerning providers of fiduciary services. According to Section 9 of the Act, AS 06.26.760(b)(2) has the effect of amending Appellate Rule 602 by postponing the deadlines for the filing of appeals to the superior court from a district court or an administrative agency by a trust company when the Department of Community and Economic Development has taken possession of the trust company.

XI. The following note is added to the end of Appellate Rule 611:

NOTE: Ch. 77 SLA 2002 (HB 157), Section 2, adds new Chapter 26 to Title 6 of the Alaska Statutes, concerning providers of fiduciary services. According to Section 9 of the Act, AS 06.26.760(b)(2) has the effect of amending Appellate Rule 611 by postponing the deadlines set in the Alaska Rules of Appellate Procedure for the filing of petitions for review to the superior court from a district court of an administrative agency by a trust company when the Department of Community and Economic Development has taken possession of the trust company.

XII. The following note is added at the end of Civil Rule 3:

NOTE: Ch. 79 SLA 2002 (HB 182), Section 9, adds a new Chapter 25 to Title 45 of the Alaska Statutes, concerning motor vehicle sales and dealers. According to Section 14 of the Act, AS 45.25.020(b) has the effect of amending Civil Rule 3 by establishing a different rule for determining where a legal dispute described in AS 45.25.020(a) may be brought.

XIII. The following note is added at the end of Civil Rule 42(a):

NOTE: Ch. 80 SLA 2002 (HB 196), Section 1, adds new sections to AS 25.24 concerning the right of action for legal separation. According to Section 3 of the Act, AS 25.24.430 has the effect of amending Civil Rule 42(a) by requiring consolidation of subsequent divorce and

annulment actions with legal separation actions filed by the same parties.

XIV. The following note is added at the end of Civil Rule 4:

NOTE: Ch. 128 SLA 2002 (HB 393), Section 3, adds a new Chapter 66 to Title 45 of the Alaska Statutes, concerning the sale of business opportunities. According to Section 4 of the Act, AS 45.66.120(b) has the effect of amending Civil Rule 4 by requiring that the clerk of the court mail a copy of the complaint to the attorney general when an action is filed under AS 45.66.120.

XV. The following note is added at the end of Civil Rule 73:

NOTE: Ch. 128 SLA 2002 (HB 393), Section 3, adds a new Chapter 66 to Title 45 of the Alaska Statutes, concerning the sale of business opportunities. According to Section 4 of the Act, AS 45.66.120(b) has the effect of amending Civil Rule 73 by requiring the clerk of the court to mail a copy of an order or judgment in an action under AS 45.66.120 to the attorney general.

DATED: August 22, 2002
EFFECTIVE DATE: October 15, 2002

Chief Justice Fabe

Justice Matthews

Justice Eastaugh

Justice Bryner

Justice Carpeneti